

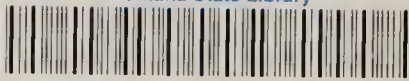
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# MONTANA STATE EMPLOYEE HANDBOOK



1995

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Alternative Accessible formats of this document will be provided upon request. Persons who need an alternative format of this document should contact your agency personnel office. Those using a TDD may call the relay service by dialing 1-800-253-4091.

The core document for this handbook has been prepared by the Department of Administration, State Personnel Division, Labor and Employee Relations Bureau. Agencies may have added to, expanded or modified this document to meet the needs and objectives of the individual agency.





# INTRODUCTION

This handbook has been designed to give you general information that will answer many questions frequently asked by employees. The personnel policies of the state of Montana are published in the Administrative Rules of Montana. These rules are available at the Montana State Library and in your agency. The rules also are found in the Montana Operations Manual, Volume III, Personnel Policies and Procedures, which is available in all state agencies.

If you have questions about the practices and policies described in this handbook, contact your personnel officer or representative. You may also call the Department of Administration, State Personnel Division at 444-3871, or write to the Department of Administration, State Personnel Division, PO Box 200127, Helena, MT 59620-0127. The following summary describes the functions of each bureau in the State Personnel Division for your reference:

**CLASSIFICATION AND PAY BUREAU:** The Classification and Pay Bureau operates and maintains the position classification and pay plan and the Payroll\Position Control\Personnel system (P\P\P). The staff establishes and documents classification standards in the statewide classification plan. The bureau also establishes or reviews the classification of positions in response to agency requests and employee classification appeals, conducts a biennial salary survey, develops a biennial pay plan recommendation, issues and interprets pay plan rules and reviews pay plan exceptions. Operation of the P\P\P systems includes production of the biweekly payroll and maintenance of the P\P\P database.

**EMPLOYEE BENEFITS BUREAU:** The Employee Benefits Bureau administers and provides services related to the state health benefits plan, the deferred compensation plan, the health promotion program and the sick leave fund.

**LABOR AND EMPLOYEE RELATIONS BUREAU:** The Labor and Employee Relations Bureau provides collective bargaining services to state agencies, develops written personnel policies and provides assistance to agencies on personnel issues. This bureau designs, monitors and helps agencies with implementation of affirmative action programs and efforts to ensure equal employment opportunities.

**THE PROFESSIONAL DEVELOPMENT CENTER:** The Professional Development Center (PDC) provides training to meet the needs of state employees and their managers.

NOTHING CONTAINED IN THIS HANDBOOK IS INTENDED TO BE PART OF A CONTRACT OF EMPLOYMENT BETWEEN THE STATE OF MONTANA AND ITS EMPLOYEES. THE STATE RESERVES THE RIGHT TO MODIFY, DELETE, OR ADD TO ANY OF THE STATEMENTS IN THIS HANDBOOK.



## **SALARY AND BENEFITS**

**PAY PLAN** The Legislature approves a pay plan for state employees each session and appropriates money to fund the program.

Most classified employees are paid under the statewide pay plan consisting of 25 pay grades. For some employees, there are separate pay schedules, including teachers, blue collar workers, and physicians.

The intent of the state's pay plan is, within fiscal constraints, to provide a compensation package that is competitive in the relevant public and private sector labor market. The purpose of the biennial salary survey is to compile information about competitive salary ranges.

If you have questions about pay, contact your agency personnel officer or the Classification and Pay Bureau, State Personnel Division.

**SALARY PAYMENT SCHEDULE** The state of Montana pays employees every two weeks. (The university system pays employees monthly.) If you are paid every two weeks, you will receive your check within 10 business days following the close of the payroll period. This delay permits the processing of an actual, not estimated, payroll. See your supervisor for your pay date.

A withholding stub comes with your paycheck, which shows the number of hours worked, gross pay, net pay, and other items such as insurance, tax withholdings, deferred compensation, credit union or union deductions, voluntary charitable contributions and annual leave, sick leave and compensatory time earned and used. If you elect to have your check deposited automatically, you will receive a payroll advice form with the same information.

There are 26 pay periods in each year. Standard deductions, such as insurance or credit union payments, are halved each month and deducted from 24 pay periods. During the year there are two pay periods without standard deductions.

If you have questions about your paycheck, contact your payroll clerk.

**OVERTIME AND COMPENSATORY TIME** The Fair Labor Standards Act (FLSA) covers the overtime and some compensatory time practices of state government. Union contracts also may influence employee eligibility for overtime pay. Some employees may be exempt from the overtime provisions of the FLSA. They may be eligible for benefits under the state's administrative rules. For more information about FLSA or to find out if your position is nonexempt (eligible for overtime wages) or exempt, contact your agency personnel officer.

**STATE AND FEDERAL WITHHOLDING TAXES** These deductions are withheld from your salary by law to help you meet tax obligations. Shortly after the end of the year, a W-2 form will be sent to you





totaling all of the taxes withheld from your salary during the past year. The amount withheld will depend on your salary and on the number of dependents you claim when you are employed. Within certain limitations, you may change the number of dependents you claim anytime.

**SOCIAL SECURITY** State employees are covered by Social Security and/or Medicare insurance. Currently, 7.65 percent of your salary is withheld and paid for full Social Security coverage. This includes 6.2 percent paid for Social Security coverage and 1.45 percent paid for Medicare coverage.

You may receive Social Security benefits if you become permanently disabled or if you retire. Social Security also provides benefits to your survivors in case of your death. For detailed information, contact your federal Social Security office.

**RETIREMENT** There is no mandatory retirement age for state employees. Membership in the Public Employees' Retirement System (PERS) is mandatory for most state employees and begins on the first day of employment. Mandatory contributions to PERS are tax deferred and may not be refunded for any reason before termination of covered employment. PERS provides retirement, disability and death benefits to over 27,000 state, school district and local government employees. In addition to PERS, the public employees' retirement division also administers the Game Wardens', Judges', Sheriffs', and Highway Patrol Officers' Retirement Systems for eligible state employees.

Retirement system handbooks are available from your payroll or personnel officer and provide specific details about your retirement system. To help you in planning for retirement, the Public Employees' Retirement Division and the Professional Development Center jointly sponsor quarterly Pre-Retirement Planning workshops around the state. For more information about benefits available to you from your retirement system, write to the Public Employees' Retirement Division, 1712 Ninth Avenue, PO Box 200131, Helena, MT 59620-0131, or phone 444-3154.

**HEALTH AND LIFE INSURANCE GROUP BENEFITS** The State of Montana has developed a comprehensive group insurance benefits program including medical, dental, vision, prescription and life insurance options. The state contribution covers the cost of your "core" medical, dental and basic life insurance; you may obtain optional coverage for yourself or your eligible dependents at additional costs. A health promotion program designed to reduce overall insurance costs by offering wellness and prevention classes and biannual health screening is also available.

The program was designed in consultation with the State Employee Group Benefits Advisory Council and is continually reviewed. The Employee Benefits Plan booklet provides a complete description of benefits and is available from your agency personnel/payroll office or by contacting the Employee Benefits Bureau, State Personnel Division.

**DEFERRED COMPENSATION** The State of Montana deferred compensation program is a voluntary supplemental retirement program authorized by Internal Revenue Codes and Montana law. The program allows you to defer, through payroll deduction, specified amounts of current income **pre-tax** - before state





or federal taxes are calculated. The amount you defer, and any resulting investment income, is not taxable until you begin receiving the money, usually at retirement.

For more information, contact the Employee Benefits Bureau, State Personnel Division.

**WORKERS' COMPENSATION** If you have an accident on the job, notify your supervisor immediately. Workers' Compensation insurance may cover you.

The Department of Labor and Industry has published, "Workers' Compensation Information Pamphlet," which provides additional details. For more information or to obtain a copy of that pamphlet, contact the Employment Relations Division, Department of Labor and Industry, PO Box 8011, Helena, MT 59624-8011, or call 444-6530.

**UNEMPLOYMENT INSURANCE** You are covered by unemployment insurance. You can receive benefits, in most cases, if you become unemployed through no fault of your own.

If you should become unemployed and want to collect unemployment insurance, you must register with Job Service, both for benefits and with the job placement service. To receive benefits, you must be able, available and actively seeking work.

If you have questions about eligibility for unemployment benefits, contact your local Job Service office.

## ON THE JOB

**STANDARDS OF CONDUCT** As a state employee, you are to carry out the duties of your job for the benefit of the people of the state of Montana and not for personal gain.

The Legislature has established Standards of Conduct for employees, which include a Code of Ethics, Proscribed Acts Related to Contracts and Claims, and prohibitions against nepotism. (Title 2, chapter 2, Montana Code Annotated.) Your department will be adopting a policy which will explain in more detail standards of conduct for your agency.

If you have questions about Standards of Conduct, contact your supervisor or agency personnel officer.

**ATTENDANCE** Working hours will depend on your position and on the agency for which you work. Most state agencies operate from 8:00 a.m. to 5:00 p.m. Monday through Friday, with an hour off for lunch. Some agencies allow alternate work schedules. See your supervisor for specific information about work schedules in your agency.

If you will be late or unable to report for work, you should notify your supervisor as soon as possible.

**PROBATIONARY PERIOD** An employee newly hired in a permanent or seasonal position in state government must serve a probationary period to assess the employee's ability to do the job duties, to





assess the employee's conduct on the job, and to determine if the employee should be retained beyond the probationary period and attain permanent status. The employee who attains permanent status has additional rights under the grievance policy, the discipline handling policy, and the reduction-in-force policy. An employee who has attained permanent status in an agency and who transfers to another agency retains permanent status.

The probationary period will last from six months to one year, unless otherwise provided by law. Under certain circumstances, the probationary period may be extended an additional six months. Each agency will establish the probationary periods for the positions within that agency.

For more information about the state's probationary policy, contact your supervisor or agency personnel officer.

**EMPLOYEE RECORD KEEPING** Personnel records for state employees are maintained in both manual files and in the Payroll\Personnel\Position Control System (P\P\), which is a computer system.

P\P\ is a system for keeping employees' payroll and personnel records and comparing the money paid out by payroll with the payroll budgeting system called Position Control.

Information included in the personnel records is personal data, such as date of birth, sex, military discharge information, home telephone and emergency contact, skills, training and education.

Persons who have access to your manual files and to P\P\ information include yourself, your supervisor and managers in the same chain of command.

You may have access to information in your manual or computer files by contacting your personnel officer or your supervisor.

For further information about employee record keeping, contact your agency personnel officer.

**INCENTIVE AWARDS** State employees may receive cash awards for outcomes and achievements that can be documented which save the state money or resources, improve effectiveness or improve services. Agency heads may approve up to \$500 or up to 40 hours of paid leave for an award for which a documented value cannot be calculated or an award of up to \$17,000 for an achievement or outcome with a documented value. For more information, contact your agency personnel officer.

**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION** The state's Equal Employment Opportunity (EEO) Program was established through a governor's executive order. The Department of Administration works with each state agency to implement and maintain an effective EEO program throughout state government. The program objective is to eliminate discrimination in personnel, salaries and procedures, job structuring and classification, hiring, firing, promoting, and training. If you would like further information about the state of Montana's EEO program, contact the Labor and Employee Relations Bureau, State Personnel Division.





As part of the EEO program, each state agency has an ongoing Affirmative Action (AA) program and has appointed an EEO officer to develop the agency's program and work with managers on its implementation. This program's objectives are to provide equal employment opportunity to all persons regardless of race, color, religion, creed, sex, national origin, age, disability, marital status, or political belief and to take affirmative action to equalize employment opportunities at all levels of agency operations for those groups of people whom they have historically denied equal access—minority groups, women, and the disabled. As part of the AA program, agencies with more than 10 employees have written Affirmative Action Plans with goals, timetables, action items to correct deficiencies identified by analyzing current workforce/labor force data.

If you would like additional information about your agency's EEO/AA program, contact your EEO officer. If you believe you have been discriminated against based on a protected status listed above, you may file a complaint with your supervisor or agency EEO officer. You also may file a complaint with the Montana Human Rights Commission within 180 days of the alleged incident. If an employee initiates action to resolve the alleged discrimination in accordance with an agency or contract grievance procedure, the time allowed to file a complaint with the Montana Human Rights Commission is extended for the period of time it takes to complete the grievance procedure up to a maximum of 120 days. If the grievance procedure is not completed within 120 days of the alleged discrimination, the employee must file a complaint with the commission within 300 days of the date the alleged discrimination occurred. Contact your agency EEO officer or the Human Rights Division at 444-2884, for additional information.

**SEXUAL HARASSMENT PREVENTION PROGRAM** The state of Montana has established a Sexual Harassment Prevention Program, as directed by the Governor. The Department of Administration has adopted rules prohibiting sexual harassment and directing each agency to adopt a policy statement and reporting procedure. The department also presents seminars for state employees, which address prevention of sexual harassment and enforcement of laws and rules that prohibit this activity. If you would like more information about the state's Sexual Harassment Prevention Program, contact the Labor and Employee Relations Bureau or the Professional Development Center, State Personnel Division.

Each state agency has established a policy statement prohibiting sexual harassment in the workplace and a procedure for reporting complaints within the agency. If you would like more information about your agency's program, contact your agency EEO officer. If you believe you have been sexually harassed, you may file a complaint with your supervisor or agency EEO officer. An employee also may file a complaint with the Human Rights Commission within 180 days of the alleged incident. The time allowed for filing a sexual harassment discrimination complaint with the commission is extended if the employee initiates a grievance under an agency grievance procedure. For details, refer to the preceding section and contact your agency EEO officer or the Human Rights Commission, 444-2884.

**AMERICANS WITH DISABILITIES ACT (ADA)** The Americans With Disabilities Act extends the same civil rights to people with disabilities that have traditionally been provided to other protected groups. ADA prohibits discrimination on the basis of a disability in employment, government, communications, transportation and public accommodations.





As a result, a qualified person with a disability cannot be excluded from participation in, or be denied the benefits of the services, programs, or activities offered by state government. The State of Montana provides reasonable accommodations for any known disability that may interfere with a person's ability to participate in any service, program, or activity of state government. In addition, the State of Montana makes reasonable accommodations for any known disability that may interfere with an applicant's ability to compete in the recruitment and selection process or an employee's ability to perform the essential duties of the job.

Each state agency is responsible for implementing the ADA and has appointed an ADA coordinator. State agencies have also adopted ADA complaint resolution procedures. For more information about the ADA, contact your agency ADA coordinator or contact the ADA Coordinator, State Personnel Division, Department of Administration.

**GRIEVANCES** You may have the right to file a grievance.

Employees covered by a union contract that contains a grievance procedure may file under that procedure. Other eligible employees may file a grievance under procedures set out in the grievances personnel policy.

An employee may take any complaint that alleges unlawful discrimination immediately to the Human Rights Commission or the Equal Employment Opportunity Commission, in addition to filing it within the agency.

See your agency personnel officer or your supervisor for details about grievance procedures.

**CLASSIFICATION** The Classification and Pay Bureau of the State Personnel Division administers a statewide classification plan for employees in the executive branch. Section 2-18-202, Montana Code Annotated, establishes guidelines for the classification plans.

To determine the class and grade of a position, the bureau uses a job evaluation method called the Benchmark Factoring Method (BFM) to evaluate the duties and responsibilities of the position rather than the characteristics of the individual. Positions are evaluated based upon the complexity and variety of the duties, knowledge, skills and abilities required, supervision received, supervision exercised, scope and effect of actions and decisions and personal contacts.

The Classification and Pay Bureau publishes an inventory of class titles and a volume of standards that illustrate the application of the BFM.

If you have questions about the classification of your position, contact your agency personnel officer or the Classification and Pay Bureau, State Personnel Division.

**JOB SHARING** Job sharing may be used, to the extent it is practical, for promoting increased productivity and employment opportunities. Agencies are encouraged to fill vacancies through job



sharing arrangements and current employees may request that their positions be considered for job sharing. For further information, contact your agency personnel office.

**UNIONS AND EMPLOYEE ORGANIZATIONS** State employees, unless exempted by their job status, have the right to be represented by a labor organization. Salary, benefits, and other matters may be negotiated, within the limits of the law regulating collective bargaining.

State employees who are exempted from collective bargaining include elected officials, persons directly appointed by the Governor, supervisory employees, management officials, members of any board or commission who serve the state intermittently and professional engineers and engineers in training.

For more information about unions and employee organizations, contact your agency personnel officer or the Labor and Employee Relations Bureau, State Personnel Division.

**POLITICAL ACTIVITY** If your position is funded wholly or in part by federal funds, the Hatch Act may cover you. If so, you may not use your official authority or influence for interfering with or affecting the result of an election or nomination for office; directly or indirectly coerce, attempt to coerce, command or advise a state employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes, or be a candidate for public elective office in a partisan election.

You may express your opinions on political subjects and candidates, take an active part in political management and political campaigns, and be a candidate for an office within a political party.

Different rules apply to employees who are not subject to the Hatch Act. State restrictions on political activity by employees only cover time on the job. You may not solicit money or otherwise campaign while at your place of employment.

No one may coerce or require that you contribute money or services to a political candidate or committee.

There are no state law restrictions on political activity on your own time. As a public employee, you may run for office and the state law requires that you be granted 180 days of leave per year while you are serving in that office.

See your supervisor to determine which set of regulations applies to you.

**TRAVEL EXPENSES** If you must travel in connection with your job, the state pays certain expenses or will reimburse you, when you provide appropriate receipts.

A vehicle may be provided from the state motor pool, or you may receive approval for mileage if you use your own vehicle. State law prohibits personal use of motor pool vehicles.





When using public transportation, you should use the least expensive fare available.

For details on travel expenses, see the Montana Code Annotated, Title 2, chapter 18, part 5, and the Administrative Rules of Montana, Title 2, chapter 4. See your agency personnel officer or your supervisor for details about travel policies and procedures.

**RESIGNATION** If you plan to resign from state service, you should notify your immediate supervisor of your plans at least two weeks before the date you plan to leave.

## LEAVE

**ANNUAL VACATION LEAVE** You earn annual vacation leave credits from your first day of employment, but you must be employed for six calendar months before you can use them.

If you are a full-time employee, you earn credits at a yearly rate calculated according to the following schedule, which applies to the total number of years you have been a state or local government employee in Montana, whether or not your employment was interrupted. Under certain conditions, military service time may count toward the rate earned. Contact your personnel officer or payroll clerk for details on how to verify other eligible public employment, so that it can be applied toward the rate earned.

RATE EARNED SCHEDULE	
Years of Employment	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

If your employment status is something other than full-time, your leave credits will be calculated on a pro-rated basis. See your supervisor for details.

You should request to use annual leave in advance, whenever possible. Your agency has a leave policy or application for approval of annual leave.

If you terminate your state employment, you are entitled to receive cash compensation for some or all unused vacation leave credits, if you have worked at least six months.





**SICK LEAVE** You earn sick leave credits from your first day of employment, but you must be employed for 90 days before you are eligible to use them. Full-time employees earn one day of sick leave credit a month and benefits for other employees are prorated.

You can use sick leave for personal illness, injury, medical disability, maternity-related disability or immediately following your child's birth or placement for adoption, quarantine resulting from exposure to a contagious disease, medical, dental, or eye examination or treatment, care of or attendance to an immediate family member for any of these reasons, or to other relatives at the agency's discretion, and death and funeral attendance of immediate family members and others at agency discretion.

You should request to use sick leave in advance, whenever possible. Your agency has a leave policy or application for approval of sick leave.

When you cannot request sick leave in advance, you should inform your supervisor of the reason for your absence as soon as possible and not wait until you return to work.

If you leave state employment, you are entitled to cash compensation for unused sick leave credits equal to one-fourth the compensation you would have received if you had used the credits, provided you have worked for 90 days.

If you are off work for some reason that is not approved for use of sick leave, but you claim sick leave, this is considered abuse of your sick leave and can be cause for dismissal and forfeiture of the lump sum payment. Chronic, persistent or patterned use of sick leave may also constitute abuse.

**SICK LEAVE FUND** You may join the Sick Leave Fund by contributing eight hours of your sick leave to the fund. (Contributions and benefits are prorated for part-time employees.) If you experience an extensive illness or accident which causes you to exhaust all of your accrued leave, you may be eligible to receive benefits from the fund. You also may directly grant sick leave to another employee who has experienced an extensive illness or accident or receive direct grants from your co-workers, if you are ill or injured and exhaust your leave. To find out more about joining the Sick Leave Fund or about making or receiving direct grants, contact your supervisor, agency personnel officer, or the Employee Benefits Bureau, State Personnel Division.

**HOLIDAY LEAVE** Holidays for state employees are:

- 1) New Year's Day, January 1
- 2) Martin Luther King Day, the third Monday in January
- 3) Lincoln's and Washington's Birthday, the third Monday in February
- 4) Memorial Day, the last Monday in May
- 5) Independence Day, July 4
- 6) Labor Day, the first Monday in September
- 7) Columbus Day, the second Monday in October
- 8) Veteran's Day, November 11
- 9) Thanksgiving Day, the fourth Thursday in November
- 10) Christmas Day, December 25
- 11) State General Election Day, on even numbered years.

For more information about holidays, see your supervisor or agency personnel officer.





**JURY DUTY AND WITNESS LEAVE** State employees may serve as witnesses or on a jury when they are properly summoned or subpoenaed. If you are called, you should request leave through regular channels and provide a copy of the summons or subpoena.

You will continue to be paid your normal salary while on leave. You must collect all fees and allowances payable to you because of your service and turn them over to your payroll clerk within three days of the time you receive them. You may keep any expense or mileage money you receive, if you are using your personal vehicle.

You may choose to use accrued annual vacation leave or compensatory time while on jury duty or when serving as a witness. If you choose to do this, you may keep all fees and allowances you receive because of your service.

**FAMILY AND MEDICAL LEAVE ACT (FMLA)** The Family and Medical Leave Act of 1993 (FMLA) entitles an employee to 12 workweeks of unpaid, job-protected leave in a 12-month period for the following conditions:

- 1) birth of a son or daughter and to care for the child;
- 2) placement of child for adoption or foster care;
- 3) care of spouse, son, daughter or parent with a serious health condition; and
- 4) an employee's serious health condition.

State employees may be eligible for FMLA leave when they have worked for the State of Montana for a total of 12 months, and for 1,040 hours during the 12 months before beginning FMLA leave.

Eligible state employees are entitled to use accrued sick leave, annual leave, compensatory time or leave without pay during an absence designated as FMLA leave.

Medical certification may be required to verify the need for FMLA leave under the same conditions that it would be required for other types of leave available to state employees. As provided in the act, an employee will receive written notice of the initial request for medical certification when it is required for an FMLA absence. FMLA leave may be delayed until a medical certification is provided.

An agency may require an employee to obtain subsequent medical certification to support the need for ongoing leave. Periodically, an employee may be asked to report on his or her status and intent to return to work following leave.

An employee on FMLA leave may be asked to provide medical certification that the employee is able to resume work. Restoration to employment may be denied until the employee provides the requested certification.

Supervisors will work with employees to accommodate requests for a reduced schedule or intermittent



absences that are medically necessary. An agency will consider requests for a reduced schedule or intermittent absences for other reasons on a case-by-case basis.

During an FMLA absence, the State of Montana will maintain an employee's health insurance coverage under the same conditions existing prior to the use of FMLA leave. An employee who normally pays part of the premium cost for health care or other insurance coverage will be required to make the same contributions to maintain coverage during FMLA leave. Prior to an FMLA absence, or as soon as possible after the leave begins, an employee should contact his or her agency personnel or payroll representative to arrange for continuation of benefits. If the employee fails to make a required payment within 30 days of the scheduled due date, self-paid benefits under the state's health care plan may be discontinued.

The employee may be liable for repayment of health insurance premiums paid by the state during the employee's unpaid FMLA leave, if the employee fails to return to work after taking FMLA leave. An employee who returns to work for at least 30 days is considered to have met this "return to work" requirement.

In most situations, employees will be returned to their original position or an equivalent position with equivalent pay, benefits, and other conditions and terms of employment.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FMLA makes it unlawful for an employer to 1) interfere with, refrain, or deny the exercise of any right provided under FMLA, and 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

For more information about the Family and Medical Leave Act and your rights and obligations under the act, contact one of the following:

- Your agency personnel officer
- the Labor and Employee Relations Bureau, State Personnel Division, or
- the FMLA Regional Coordinator, Denver, Colorado, (303) 844-6611.

**MATERNITY AND PARENTAL LEAVE** Montana law requires that all employers provide a reasonable leave of absence for maternity leave and that you receive the same or a comparable job when you are ready to return to work. State government has adopted rules that provide that six weeks is a reasonable leave after the birth of a child. During that period, you will not be required to provide a medical certification of the temporary disability that results from childbirth. You may request to use sick leave, annual leave, leave without pay, and accrued compensatory time to cover your absence. You should comply with your agency's procedures on requesting leave. The agency may require that you give notice of your plans to take leave and the anticipated dates and duration.







If you need to begin your leave before the birth of your child or wish to continue leave longer than six weeks, you should contact your supervisor or agency personnel officer for requirements on leave requests and obtaining medical certification, if you continue to request to use sick leave.

State employees who are adoptive parents and birth fathers may take up to 15 days parental leave immediately following the birth or placement of a child. You may request to take sick leave, annual leave, leave without pay, compensatory time or other appropriate paid leave.

For further information about maternity leave or parental leave for adoptive parents and birth fathers, contact your agency personnel officer or the Labor and Employee Relations Bureau, State Personnel Division.

**LEAVE FOR ANNUAL MILITARY TRAINING** You must be granted up to 15 paid working days per year for annual training with any reserve component of the armed forces.

You must be employed six calendar months to be eligible to receive paid military leave. When you are on authorized paid military leave, you will receive your regular salary.

You should request leave in advance to attend annual training. You also must submit a copy of your orders directing you to report for training with your leave request.

The 15 days of military leave cannot be charged to any vacation leave you have accrued.

**REINSTATEMENT TO STATE SERVICE AFTER MILITARY DUTY** If you are a permanent employee and you enlist in any branch of the armed services or are ordered to active duty by a reserve component, federal law requires that you be reinstated in a job at the same seniority, status and pay you would have received had you not been in the service. You must apply for reemployment within 90 days of your discharge.

**LEAVE OF ABSENCE WITHOUT PAY** Rules have been developed for the administration of leave of absence without pay for state employees. In most cases, approval of leave without pay is up to the agency. There are no restrictions on your reasons for requesting a leave. The agency will consider your request based on the cost and benefits to the agency resulting from your absence, and provisions of applicable laws such as the Family and Medical Leave Act.

For more information about requesting leave of absence without pay, contact your supervisor or your personnel officer.

**UNAUTHORIZED LEAVE OF ABSENCE** An unauthorized leave of absence occurs when you are absent from an assigned place of work or duty or fail to report for work as scheduled without immediately providing your supervisor with a reasonable excuse for your absence or getting leave approved in advance.



If you take an unauthorized leave, any action, including discipline, taken in regard to your absence is at the agency's discretion.

**LEAVE DUE TO EMERGENCIES** The Governor may declare that an emergency is in effect from either natural or man-made disasters, which will result in a late opening or early closing of one or all state offices.

Absences due to emergencies declared by the Governor will not be charged to your compensatory time, vacation leave or leave without pay. If you live in an area that has been declared a disaster area or the Governor has declared an emergency and you cannot get to work, your agency will grant you paid time off.

If you volunteer to assist during a disaster or emergency which is not formally declared by the Governor, you may request to take annual leave, compensatory time, or leave without pay to cover your absence. You should request leave in the same manner you would request leave for any purpose. Your agency may ask you to provide written verification of your participation as a volunteer.

## **EMPLOYEE SERVICES**

### **TRAINING AND DEVELOPMENT**

**State of Montana Training Programs.** The state provides training and development opportunities through the Department of Administration's two training centers:

- The Professional Development Center (PDC) provides a variety of training courses regarding management, supervision, communications and other issues. The seminars and workshops are tailored to the needs of government employees. Most of the courses are one-day or half-day in length.

The PDC also conducts the Management Development Program. This program provides extensive training on four levels: Basics of Management, Essentials of Management, Principles of Upper Management, and Mediation for Managers. Each of these courses is conducted over several weeks with one or two classes a week.

The PDC announces its courses through quarterly schedules and a flyer describing each class. For more information, contact your personnel officer or call the PDC at 444-3985.

- The Helena College of Technology of the University of Montana offers training programs designed to train employees in the use of the wide variety of data processing resources owned and operated by state agencies. Courses in both mainframe and microcomputing systems and software are offered in hands-on workshops. Schedules and descriptions are available in monthly issues of Information Services Division's "News and Views." For additional information, call 444-6800.





**AGENCY TRAINING PROGRAMS** Most agencies have internal training programs or training funds to help employees develop skills in areas specific to the agency's mission. For information about these programs, contact your agency's training officer or personnel officer.

**CREDIT UNIONS** Credit Unions specifically for state employees are available in all 56 counties in Montana. State Capitol Employees Credit Union of Helena provides service to state employees in 22 of these counties.

For more information about credit unions, you can contact the Montana Credit Unions League, 1236 Helena Avenue, Helena, MT 59601, phone 442-9081, or the State Capitol Employees Credit Union of Helena, 449-2680.

**MONTANA STATE LIBRARY** The Montana State Library, Statewide Library Resources Program provides library materials and reference services to state employees and the general public, as well as consulting services and continuing education to all types of libraries in the state.

The library's other primary programs include the Montana Natural Resource Information System (NRIS), a centralized program that provides information about Montana's natural resources to decentralized databases; the Montana State Library for the Blind and Physically Handicapped, which loans materials in a variety of formats without charge to eligible institutions and individuals and the Institutional Library Program, which provides consulting services to 14 state-run institutional libraries in Montana.

The Montana State Library is located in the Justice and Montana State Library Building at Sixth and Sanders. For additional information about the services provided by the State Library, call 444-3004.

**MONTANA HISTORICAL SOCIETY MUSEUM** The Montana Historical Society Museum's purpose is to collect and preserve art and artifacts relating to Montana and its history. The Historical Society Museum includes Montana Homeland, an exhibit that opened in 1988, the Mackay Gallery of C. M. Russell art, the Haynes Gallery about the life and work of photographer F. Jay Haynes, and the Northeast Gallery which features changing exhibits. The Historical Society is located at 225 N. Roberts, PO Box 201201, Helena, MT 59620-1201, phone 444-2694.

**HISTORICAL SOCIETY LIBRARY AND ARCHIVES** The Montana Historical Society Library and Archives contain the largest collection available of published and manuscript materials related to Montana history. The library currently receives copies of every daily and weekly newspaper, and every magazine published in the state. It holds an estimated 95 percent of the newspapers ever published in Montana, a large map collection, and has been a depository for official state publications since the 19th century. The collection also includes over 2,500 volumes dealing with the Plains cattle industry from 1860 to 1940, the periodicals from most other historical societies west of the Mississippi, a non-Montana genealogical collection, and selected federal material including the Congressional Serial Set.





The archives has the minutes of legislative committees from 1959 on, the older case files from the Montana Supreme Court, and other inactive records of territorial and state government, as well as manuscripts and records from private citizens and businesses and over 150,000 photographs.

The society's library is a research library, with many old, rare, and fragile items. Materials may not be checked out, but can be used in the library reading room on the second floor of the society's building, 225 N. Roberts Street. Photocopy, microprint, and photograph reproduction services are available. Phone 444-2694.

**STATE LAW LIBRARY** The State Law Library provides legal information and services to state employees and the general public. The law library contains, or has access to, over 100,000 volumes of statutes and codes, opinions, regulations, treatises, journals and law reviews. The law library is a federal depository library, providing users with materials from federal government, other states, Canada and England. Legal databases including LEXIS/NEXIS and WESTLAW and hundreds of audio and videotapes are available.

Professional law librarians provide reference assistance in the law library.

In addition to regular working hours, the library is open Monday and Wednesday evenings and on Saturdays.

The State Law Library is located in the Justice and Montana State Library Building at Sixth and Sanders. For details about these and other services, call 444-3636 (reference); 444-1977 (circulation); 444-3603 (fax); or 444-3660 (administration).

## CONCLUSION

**CONCLUSION** We hope that your work in state service will be a rewarding and challenging experience. As public employees, it is incumbent upon all of us to provide the most efficient, responsive and economical service possible.

**Montana State Government is an EEO/Affirmative Action Employer.**

Alternative Accessible formats of this document will be provided upon request. Persons who need an alternative format of this document should contact your agency personnel office. Those using a TDD may call the relay service by dialing 1-800-253-4091.

The core document for this handbook has been prepared by the Department of Administration, State Personnel Division, Labor and Employee Relations Bureau. Agencies may have added to, expanded or modified this document to meet the needs and objectives of the individual agency.





# AN OVERVIEW OF STATE GOVERNMENT

**MONTANA GOVERNMENT:** According to the Montana State Constitution, ratified by the people of Montana on June 6, 1972, the "power of the government of the state," is divided into three distinct branches: legislative, executive, and judicial. The laws governing the state are enacted by the legislative, implemented by the executive and interpreted by the judicial branch of state government.

**LEGISLATIVE BRANCH:** The legislature, which meets in regular session every two years for not more than ninety days, is composed of two bodies: the House of Representatives, with 100 members elected for two-year terms, and the Senate, with 50 members elected for four-year terms. One-half of the senators are elected every two years. The legislature is assisted by divisions of the legislative branch including the Legislative Services Division, the Legislative Audit Division, and the Legislative Fiscal Division. Additional support is provided by the Environmental Quality Analyst, the Consumer Counsel and various interim committees. Laws so enacted must be approved by the governor. The legislature may override the governor's veto by a two-thirds vote of both houses.

**JUDICIAL BRANCH:** The judicial power of the state is vested in the supreme court, district courts, justice courts, and such other courts as may be provided by law. The supreme court consists of one chief justice and six associate justices, elected by popular vote for an eight-year term. The judges of the twenty district courts in Montana are elected for six-year terms. Each county elects at least one justice of the peace for a term of four years to carry out the judicial functions at the local level.

**EXECUTIVE BRANCH:** The agencies of the executive branch are headed by the Governor, Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction, State Auditor, and the Public Service Commission. Each officer is elected to office for a term of four years. The five members of the Public Service Commission are elected by districts for staggered terms of four years each.

**GOVERNOR:** The executive power is vested in the governor who sees that all state laws are faithfully executed. A summary of the purposes of each of these departments is included in the section titled "Organization of the Executive Branch." Offices directly attached to the Governor's Office include Citizen's Advocate, Budget and Program Planning and Coordinator of Indian Affairs.

**LIEUTENANT GOVERNOR:** The lieutenant governor performs the duties provided by law, and those delegated to him by the governor, and acts as governor when the governor is not in the state. If the office of the governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor becomes governor.

**SECRETARY OF STATE:** The Secretary of State is the official record keeper for the state of Montana. These records include the record of official executive acts, corporate records, uniform commercial code filings, certain bonds, mortgages and the maintenance of state department records. In addition to the record keeping duties, the Secretary of State compiles and maintains the Montana Administrative Register and Administrative Rules of Montana. The Secretary of State acts as the state's chief election official and helps to ensure the right of participation in federal, state and local elections by its electors.

**ATTORNEY GENERAL:** The Attorney General, the chief law enforcement officer of the state, supervises the Department of Justice. The department has broad authority to provide public safety services to Montanans. Through 10 separate divisions, the department provides legal services to the state of Montana; assists local law enforcement agencies with forensic science services, criminal investigations and criminal prosecutions; regulates all legalized gambling activities except the state lottery and horse racing; enforces traffic laws through the Montana Highway Patrol; provides driver licensing and motor vehicle titles and registration; and trains Montana law enforcement officers.

**STATE AUDITOR:** The State Auditor's responsibility is to act as commissioner of insurance in order to regulate insurance companies and protect the consumers of insurance products in the state of Montana. The auditor acts as commissioner of securities practices within the state and oversees state regulations for the securities industry. The auditor collects insurance tax premiums, licenses insurance agents, securities salesmen, broker-dealers and investment advisers. The auditor also sits on the State Land Board that oversees regulation of all state lands.

**SUPERINTENDENT OF PUBLIC INSTRUCTION:** The major responsibility of the Superintendent of Public Instruction is to provide general supervision of the public elementary and secondary schools. The superintendent also disburses state and federal education funds; accredits public schools; certifies teachers; supervises pupil transportation, school foods and adult education programs; and administers federal and special education programs. The superintendent provides technical assistance to teachers and school personnel in such areas as the basic skills, vocational skills, school finance, in-service





**DEPARTMENT OF COMMERCE:** The purpose of the Department of Commerce is to facilitate the growth of the economy of Montana by providing meaningful assistance to businesses and entrepreneurs in the state; encourage companies located outside of Montana's borders to develop facilities and business within Montana; promote Montana as a travel destination to tourists throughout the world; assist in the marketing of Montana-made products and services to domestic and international consumers; recommend courses of action and statutory changes which facilitate the growth and health of responsible business enterprises in the state; design and implement licensing and other systems which protect the public from unfair, unsafe, incompetent or deceptive services or products while minimizing the regulatory burden on those individuals who are qualified and ethical in their business practices and produce quality products and services; encourage and assist local communities in developing their public infrastructure to maintain and facilitate a vibrant and healthy environment for their citizens and visitors; encourage and assist local communities in preparing for and accomplishing economic development initiatives which provide economic opportunities for the citizens of that community; and provide a work environment for the employees of the Department of Commerce which is positive and provides intellectual and creative challenges allowing them to achieve and satisfy their personal employment goals.

**DEPARTMENT OF CORRECTIONS:** The Department of Corrections provides a variety of services aimed at enhancing public safety through the development and administration of adult and juvenile corrections programs. The department's duties include incarceration, custody, supervision, treatment and skill development for adult and juvenile offenders. Departmental responsibilities also include the management, evaluation, statewide coordination and provision of services to the offender population. The department manages Montana State Prison, Women's Correctional Center, Swan River Correctional Training Center, Pine Hills School and Montana Youth Alternatives. The Department also manages a wide variety of community-based corrections programs in Montana.

**DEPARTMENT OF ENVIRONMENTAL QUALITY:** The Department of Environmental Quality (DEQ) is responsible for protecting and enhancing the quality of the environment, public health and safety by administering and enforcing Montana's environmental laws. The DEQ is organized into seven divisions: Air Quality, Centralized Services, Energy, Environmental Remediation, Reclamation, Waste Management and Water Quality.

**DEPARTMENT OF LABOR AND INDUSTRY:** The purposes of the Department of Labor and Industry are to provide employment and training, to protect conditions for workers, and to protect employer/employee rights. Its functions include providing service to people actively seeking employment and to employers seeking workers; supervising and enforcing labor laws and worker health and safety standards; working to eliminate discriminatory practices; and administering state collective bargaining, workers' compensation regulation and unemployment insurance laws.

**DEPARTMENT OF LIVESTOCK:** The purpose of the Department of Livestock is to exercise general supervision over the livestock industry and to protect livestock from theft and disease. Its functions are enforcement of livestock laws, including the registration of marks and brands; regulation of livestock markets; rabies control; predatory animal control; meat inspection, and dairy, egg and milk inspection, control and regulation.

**DEPARTMENT OF MILITARY AFFAIRS:** The Department of Military Affairs provides a trained and equipped military organization, via the national guard, for the governor in the event of a state emergency; to plan for, respond to, and recover from any disaster, manmade or natural, that might occur in the state of Montana; and to provide assistance to all veterans, their dependents and beneficiaries who may be entitled to veterans' benefits. The functions of the Department of Military Affairs are the operation of the Montana National Guard, the Disaster and Emergency Services Division, and the Veterans Affairs Division.

**MONTANA FISH, WILDLIFE AND PARKS:** The purpose of the Montana Fish, Wildlife and Parks is to conserve and manage wildlife and to administer parks and recreational areas for the benefit of Montanans and visitors to the state. The department strives to create optimum outdoor recreational opportunities, with emphasis placed on wildlife and on natural and cultural resources which have aesthetic, scenic, historical or archaeological significance. Functions of the department include issuing fishing, hunting, trapping and related licenses; enforcing laws and regulations relating to fish, wildlife and parks; acquiring, developing and maintaining wildlife management areas, state parks and recreational areas; and managing and enhancing wildlife populations.

**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION:** The Department of Natural Resources and Conservation (DNRC) is responsible for sustaining and improving the benefits derived from our water, soil and rangeland; to manage the state's trust land resources to produce revenues for the trust beneficiaries; to protect Montana's natural resources from wildland fires through regulation and partnerships with federal, state and local agencies; to promote conservation of oil and gas and prevent resource waste through regulation of exploration and production; to manage and assist in the





education, planning, development and evaluation. In addition, the superintendent is a member of the State Board of Land Commissioners, State Library Commission, Teachers' Retirement Board, Board of Public Education and the Board of Regents.

**PUBLIC SERVICE COMMISSION:** The Public Service Commission is composed of five members elected from five districts in the state. The commissioners serve four-year terms and elect a chairperson from among themselves every two years. The purpose of the Department of Public Service Regulation is to regulate the public utility, motor carrier, and railroad industries. It is responsible for providing safe, reliable, and adequate services at the lowest achievable costs to the consumers, while concurrently providing the regulated industries with a fair and reasonable return on their investment for the services rendered.

**ORGANIZATION OF THE EXECUTIVE BRANCH:** The Executive Reorganization Act states that all executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities shall be allocated among not more than 20 principal departments. Exceptions are the Office of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction and Auditor.

The lines of authority in executive branch departments start with a department director, who is appointed by, and is responsible to the governor, and who is responsible for the overall operation of a department. The director may be assisted in this capacity by a deputy director.

A department is composed of divisions, each headed by an administrator. The division, in turn, is divided into bureaus, which are headed by bureau chiefs. The bureau may be divided into sections, which are headed by supervisors.

**BOARD OF REGENTS OF HIGHER EDUCATION:** The Montana Constitution grants the Board of Regents of Higher Education full power, responsibility, and authority to supervise, coordinate, manage, and control the Montana University System. The seven-member board is appointed by the governor and confirmed by the Senate. Six of the regents serve seven-year terms, and the student regent serves a one-year term. The board appoints the Commissioner of Higher Education as the chief administrative officer of the university system. As governing body of the university system, the board is responsible for developing system policies and rules, granting diplomas and conferring honorary degrees, controlling receipt and disbursement of income and property, and approving administrator and faculty appointments.

The Montana University System was restructured into a two-university system in July 1994. In addition to Missoula, The University of Montana campuses include the Division of Technology of The University of Montana - Missoula (formerly Missoula Vo-Tech); Montana Tech of The UM at Butte; the Division of Technology, Montana Tech of the UM (formerly Butte Vo-Tech); Western Montana College of The UM at Dillon; and Helena College of Technology of The UM (formerly Helena Vo-Tech). Along with Bozeman, Montana State University's campuses include Montana State University - Billings; the College of Technology, MSU-Billings (formerly Billings Vo-Tech); Montana State University - Northern at Havre; and the MSU College of Technology Great Falls (formerly Great Falls Vo-Tech).

**DEPARTMENT OF ADMINISTRATION:** The Department of Administration provides centralized services for state agencies in the following areas: accounting and financial reporting; capitol complex building maintenance and capitol security; state bonded indebtedness administration; state treasury services; insurance coverage and Tort Claims Act administration; systems development, telecommunication, and data processing; central payroll services for all state agencies; personnel management and labor relations; purchasing and surplus property administration and duplicating, mail, and messenger services. The department also administers the State Long Range Building Program, state employee group benefits program, and the various state retirement systems and accounting, warrant writing, bad debt collections and financial reporting. In addition, the Board of Examiners, State Tax Appeal Board, State Compensation Insurance Fund, Public Employees' Retirement Board, and Teachers' Retirement Board are attached to the department for administrative purposes only.

**DEPARTMENT OF AGRICULTURE:** The purpose of the Department of Agriculture, established by the Montana Constitution, Article XII, Section 1, is to promote the agricultural industry and enforce agricultural laws which protect farmers and consumers. The principal functions of the department are: agricultural marketing; wheat and barley research and market development; maintenance of comprehensive agricultural statistics; operation of specialized rural development programs which provide assistance to qualified rural families; administer Growth Through Agriculture loan and grant programs; administration of state crop hail insurance; enforcement of grain laws; grain inspection and grading; regulation of commercial feeds and fertilizers; monitor medicated feeds; provision of horticultural inspection and quarantine services; pesticide regulation and enforcement; agricultural chemical and ground water protection; operation of technical and field-oriented pesticide service programs; enforcement of apiary laws; and management of noxious weed control.







